

EXHIBIT “H”

DISTINGUISHING FEATURES OF THE CLASS

This work involves the performance of routine seasonal patrol tasks two weeks prior to Memorial Day through to two weeks after Labor Day, or, part-time supplemental services during the remainder of the year. The incumbent in this position enforces municipal and state laws to protect the lives, property, and legal rights of the public, and has considerable responsibility for the exercise of sound judgement in emergencies. Ordinary procedures and special assignments are carried out under the supervision of a superior officer. Does related work as required.

TYPICAL WORK ACTIVITIES

Patrols assigned area in a patrol car, on motorcycle or on foot for the preservation of law and order through the prevention of or detection of criminal acts;

Answers calls for assistance in connection with automobile accidents and other accident emergency situations;

Answers calls regarding robberies, domestic disturbances, homicides, suicides and all other situations requiring police action or intervention;

Controls traffic flow when power failure results in loss of traffic signals;

Issues summonses to violators of traffic safety laws;

Administers first aid at accident or crime scenes;

Gathers evidence, locates witnesses and arrests suspects at crime scenes;

Locates and arrests persons for whom warrants or court orders have been issued.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Good knowledge of the communities, public buildings, landmarks, roads, parks, industrial and commercial areas in the assigned work area; good knowledge of first-aid procedures; ability to learn how to care for and use firearms skillfully; ability to enforce the law with firmness, tact, and impartiality, ability to act quickly and calmly in emergencies; ability to meet physical requirements established by municipal authority; physical strength and agility determined by qualifying tests.

MINIMUM QUALIFICATIONS

Graduation from a standard senior high school or possession of a high school equivalency diploma by the date of appointment.

NECESSARY SPECIAL REQUIREMENTS

- 1) Candidates must have reached age twenty (20); and,
- 2) Candidates must be a high school graduate or possess a high school equivalency diploma recognized by the New York State Department of Education; and,
- 3) Candidates must possess a Police Officer Training Certificate recognized by the New York State Municipal Police Training Council; and,
- 4) Candidates must successfully pass a qualifying psychological evaluation authorized by the Suffolk County Department of Civil Service; and,
- 5) Candidates must successfully pass a qualifying medical evaluation authorized by the Suffolk County Department of Civil Service; and,
- 6) Candidates must successfully pass a qualifying physical fitness evaluation administered by the Suffolk County Department of Civil Service; and,
- 7) Candidates must be a United States citizen at the time of appointment; and,
- 8) Candidates must possess a valid New York State driver license at the time of employment and throughout their employment in this title; and,
- 9) Candidates must successfully pass a polygraph evaluation.

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POLICE OFFICER
Part-Time/Seasonal

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LIMITATIONS ON PART-TIME EMPLOYMENT

1) Part-time police officers may be used under the following conditions only:

- a) When the full-time complement of police officers is depleted due to court appearances, medical absences or vacation; or,
- b) In emergency conditions when the full-time complement of police officers is insufficient to insure adequate protection of life and property.

2) Part-time police officers' hours worked and earnings must conform to the limits set forth in the Suffolk County Department of Civil Service Rules, Rule 2, #14.

LIMITATIONS ON SEASONAL EMPLOYMENT

Seasonal employment is defined as commencing two weeks preceding Memorial Day and terminating two weeks after Labor Day to meet extraordinary or peak demands for Police services. Salary earned while employed as a seasonal Police Officer shall not be included in computing the maximum allowable earnings as a part-time employee.

R 04/05/04
SUFFOLK COUNTY
Non-Competitive

SECTION 1: DISCIPLINE / CHARGES AND SPECIFICATIONS

I. PURPOSE

To enumerate specifics regarding the discipline of an individual member of the Force.

II. POLICY

It is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs its effective operation.

III. REFERENCES

**** Discipline and punishment determination against any member of the Department is in accordance with the provisions of the Civil Service Law of the State of New York, the Rules and Regulations of the State of New York governing the Incorporated Village of Ocean Beach, the New York State Labor Law, New York State General Municipal Law and the Inc. Village of Ocean Beach Employee Handbook.**

IV. RULES AND REGULATIONS

**** A. Members of the Force may be suspended from duty whenever, in the opinion of the Chief of Police, when such action is necessary. Such a suspension is in accordance with the Civil Service Law (note: Civil Service Law shall not mean to apply to seasonal police officers or part - time police officers working for the Department in a non-competitive position for less than 5 years as defined by Civil Service Law), Incorporated Village of Ocean Beach Charter, or other applicable law.**

1. Unless otherwise directed by the Chief of Police, a member of the Force under the suspension, above the rank of sergeant, reports in person daily to the Chief of Police at the office of his or her command; or to report daily by phone to the Chief of Police. A suspended police officer shall report to his or her supervisor daily by phone, at the start of each workday and at the end of the workday.

2. Upon suspension, a member of the Force promptly surrenders all Departmental property, also his or her service weapon and any and all other weapons possessed by him; such property is invoiced to the Chief of Police or Sergeant and returned to the member when relieved from suspension.

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3. During the period of suspension, a member of the Force does not wear his or her uniform, nor any distinguishable part thereof, nor carry any police equipment.

V. PROCEDURES

A. Authority

1. Power to Discipline - The Police Chief has the power to discipline a member of the Force by:

- a. Reprimand
- b. Fine to replace neglected equipment.
- c. Suspension, with or without pay, in accordance with the provisions of Civil Service or other applicable law. Civil Service Law shall not mean to apply to seasonal police officers or part - time police officers working for the Department in a non-competitive position for 5 years, as defined by Suffolk County Civil Service Law.
- d. Dismissal or removal from the Force.

B. Discipline

1. Cause of Discipline - Members are disciplined for the following reasons:

- a. Conviction for any criminal offense.
- b. Neglect of duty.
- c. Violation of rules.
- d. Neglect or disobedience of orders.
- e. Incapacity.
- f. Absence without leave.
- g. Conduct unbecoming an officer.
- h. Immoral conduct.
- i. Conduct injurious to the public peace or welfare.
- j. Any other breach of discipline.

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1. Internal Investigations - A member of the Department may be ordered to submit to certain objective methods of action when such means are necessary and directly related to internal affairs investigations (Includes all members):
 - a. Drug Testing - For reasonable suspicion, i.e., the ability of a police supervisor to articulate a reason to drug test an officer. Results shall be used for administrative purposes only, i.e., discipline;
 - b. Photographs are routinely utilized as necessary;
 - c. May be required to participate in a physical line - up;
 - d. May be required to furnish a financial disclosure statement providing it is narrowly focused and directly related to an investigation.
3. Cause for Dismissal - A member of the Force found guilty of violating a rule or procedure of the Department Rules And Procedures, or provisions of any order or orders, or of cowardice, or intoxication while on duty or while in uniform, or conduct unbecoming an officer, or making a false official communication, record or statement, or a member of the Department convicted in court having criminal jurisdiction, may be dismissed from the Department, or suffer such other punishment as the Police Chief may direct, pursuant to the Civil Service Law or other applicable law.
4. Relief from Duty - Department members shall be fully prepared to undertake the responsibilities of their position when reporting to their commands for duty.
 - a. Any supervisor has the authority to relieve from duty a Department member if that member is not fit for duty. Fitness shall be determined by:
 - (1) The member's physical or psychological state. Examples of unfit for duty would be obvious sickness, physical impairment or intoxication;
 - (2) The member's state of readiness or preparedness, i.e., possessing all prescribed equipment and in proper uniform.
 - b. Relief from duty may be a temporary administrative action due to a pending disposition of an internal investigation.
 - c. When a supervisor relieves a member from duty a report shall be made to the Chief of Police immediate.
 - (1) The member will remain available during the remainder of his or her normal tour of duty hours should further Departmental action be necessary.

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5. Miscellaneous Infractions - Disorders or neglect to the prejudice or good order, efficiency or discipline, though not specifically mentioned in these Rules and Procedures is taken cognizance of by the Department, and members found guilty thereof are punished at the discretion of the Police Chief.
6. Insubordination - A member of the Department shall comply with all lawful orders and directives of a supervisor. Failure to do so shall constitute insubordination.

C. Charges and Specifications

1. Violation Reporting Procedures - A report of any violation of these Rules and Procedures is submitted by any member of this Department on Internal Correspondence. It is prepared in duplicate and must be legibly written, hand printed or typewritten. The report must state the violator's full name, rank, shield, date, time and full details concerning the violation, be signed by the member reporting and forwarded to the sergeant. The sergeant will then forward a copy to the Chief of Police, who will review and make a determination as to the action to be taken.
2. Written Charges - Charges in writing are preferred against a member of the Department alleged to be guilty of infractions of these Rules and Procedures, or of Departmental orders and instructions.
- * * 3. Rights of Accused - Each member of the Department to be heard on charges is served with a copy of the charges and specifications at least (8) eight days before arraignment, exclusive of Sundays and legal holidays. Notice for member's to appear as complainants or witnesses are sent to those member's at least (5) five days before the hearing. The accused member may, upon his or her arraignment, request from the Mayor or the officer conducting the hearing the attendance of witnesses in his behalf. The accused is given the opportunity to plead to all or any part of charges prior to the hearing date.
- * * 4. Serving Procedure - Service is made upon accused as follows: Personal delivery of charges and specifications, or if personal delivery cannot be made, then by leaving a copy of the charges at his or her place of residence with some person of age and discretion, and by notifying such person orally of the nature of the papers, or if personal delivery cannot be made, and the residence cannot be located, then by posting a copy of the charges conspicuously in Police Headquarters, at least (8) eight days before time of arraignment.
5. Acknowledge Receipt - Members of the Department served with charges promptly acknowledge such services by signing same. The member serving the

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charges witnesses such signature on all copies certifying same with his or her signature, rank, shield number, date, time and location of service.

- * * 6. Arraignment - Attendance of complainant and witnesses is not necessary at the arraignment.
- * * 7. Hearing - A hearing is conducted without unnecessary technicality, without unnecessary or unreasonable delay, and without offensive speech or action on the part of anyone. The Mayor or the officer conducting the hearing may exclude forthwith, without prejudice to the accused, from further attendance at the hearing, a person who offends against any of these requirements.
- * * 8. Arraignment Procedure - Departmental procedure at arraignment: The accused is arraigned as follows: "Rank, Surname, have you been served with a copy of these charges?" "Do you waive the reading of the charges at this time?" "Before I ask you how you plead, I wish to inform you of your right to be represented by counsel, to request the attendance of witnesses in your behalf, to move for adjournment." "You are further advised that upon your plea of guilty, or after being found guilty of any violation of the Rules and Procedures of the Police Department, Incorporated Village of Ocean Beach, County of Suffolk, State of New York, under the Charter of the Incorporated Village of Ocean Beach, Section 75 of the Civil Service Law, the Mayor has the power to discipline a member of the Department by: reprimand, fine, suspension with or without pay, in accordance with the provisions of the Civil Service or other applicable law." "Now, how do you plead to specification number one (etc.)."
- * * 9. Hearing Procedure - Department procedure at hearing. The accused is called. The accused pleads "guilty" or "not guilty" to each specification. The witnesses for the Department are introduced in the order directed by the hearing officer. All witnesses are to be sworn in by the appropriate authority. The Department conducts the direct examination; at the conclusion of the direct examination, the witness is at the disposal of the accused or the accused counsel for cross - examination, followed by re - cross by the accused or the accused counsel. After the witnesses for the Department have testified, that fact is communicated to the accused, and he or she is then permitted to proceed with his defense. Each witness for the accused is sworn and his or her identity established. The accused or accused counsel conducts the direct examination; at the conclusion of the direct examination, the witness is at the disposal of the Department or Department's counsel for cross - examination; the witness is subject to redirect examination, followed by re - cross by the Department or the Department's counsel. At the conclusion of the testimony offered by the witnesses for the accused, witnesses may be called by the Department in rebuttal. They are subject to cross - examination. The accused then has an opportunity to introduce such other testimony as is competent and material, that he or she may desire. The accused is given the opportunity to testify under oath in his or her behalf, and be subject to cross - examination by the Department. The accused or his or her counsel and the

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department are given brief opportunity to sum up, or make pertinent motions. The hearing officer, at his or her discretion, may exclude from the hearing room, every person except the accused, his or her counsel, the prosecutor and counsel, the Village Attorney, Court Clerk and Stenographer.

- * * 10. Petition to Review - The right to review a determination shall be along with Section 75 of the Civil Service Law. The petition to review shall be made within (30) thirty days.

11. The procedures listed above in parts (6) six thru (10) ten are only for full - time employees appointed off a open competitive list established by the Suffolk County Department of Civil Service. Any other part in chapter 5 section 1 shall be used for both seasonal employees and full - time appointed employees, unless otherwise noted (see bottom page).

12. Additional Section of 76 thru 80 of the Civil Service Law shall also apply in parts (6) six thru (10) ten, as well as the New York State Labor Law and the New York State General Municipal Law, when applicable.

13. The supervisor on duty will have the right to relieve any member of duty for a violation of these Rules and Procedures for a period not to exceed (30) thirty days, at which time a Internal correspondence stating the nature of the violation and the events leading up to the member being relieved from duty will have been forwarded to the Chief of Police. The Chief of Police with out delay will set up a formal meeting with the member on relief and the supervisor who filed the charges. If however there is unnecessary delay in arranging the meeting, the Chief of Police may reinstate the member to a limited duty only, carrying no firearm. Notwithstanding the Chief of Police shall not reinstate a member who has violated any of these Rules and Procedures, which created a hazard to public safety, officer safety or peace and good order.

14. Right of a Seasonal Employee to Appeal - After a hearing with the Chief of Police, a member of the Force may exercise his or her right to appeal the decision of the Chief of Police. The member will notify the Chief of Police in writing, that he or she is requesting an appeal. The appeal must be made within (5) five days after the initial disciplinary determination was made. After (5) five days this appeal process will no longer be considered an option by the Chief of Police.

a. The Chief of Police must convene the review board in (15) fifteen working days excluding weekends and legal holidays.

b. The review board shall consist of (1) one chairperson, and (4) four other members.

(1) The Mayor (Chairperson).

(2) The Village Administrator.

(3) An officer of the same rank.

(4) The officers supervisor.

(5) A member of the Village Board of Trustees.

c. All information relating to the case will be presented to the review board, on the date the board convenes. The review proceedings will be informal and the board will make a decision on extending the punishment, reversing it or letting it remain as is.

d. Decisions of the review board will be made by majority vote. The board member's may not be polled.

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